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U.S. DISTRICT COURT
DISTRICT OF UTAH

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International Business Machines Corporation*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

THE SCO GROUP, INC.,

Plaintiff/Counterclaim-Defendant,

v.

INTERNATIONAL BUSINESS
MACHINES CORPORATION,

Defendant/Counterclaim-Plaintiff.

**IBM'S OBJECTIONS TO SCO'S
PRIVILEGE LOG**

Case No. 2:03CV0294 DAK

Honorable Dale A. Kimball

Magistrate Judge Brooke C. Wells

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Pursuant to this Court's January 18, 2005 Order, Defendant International Business Machines Corporation ("IBM") respectfully submits its Objections to The SCO Group, Inc.'s ("SCO") Privilege Log as follows:¹

I. SCO IMPROPERLY CLAIMS ATTORNEY-CLIENT PRIVILEGE OVER MATERIALS WHERE NO ATTORNEY WAS INVOLVED.²

OBJECTION SUB-CATEGORIES	SCO PRIVILEGE LOG ENTRY NUMBERS
SCO Claims "Attorney Compilation of Information", But No Attorney is Identified	1595, 1604, 2268, 2269
SCO Claims "Attorney Discussion", But No Attorney is Identified	134, 182, 272, 328, 629, 716, 726, 994, 1351, 1491, 1931, 1932, 1933, 1934, 1935, 1996, 2138, 2163, 2204, 2589, 2668
SCO Claims "Attorney Draft of Document", But No Attorney is Identified	6, 10, 141, 264, 273, 301, 312, 396, 467, 468, 481, 562, 585, 773, 782, 798, 829, 832, 878, 913, 949, 951, 952, 966, 969, 971, 993, 995, 1112, 1138, 1153, 1154, 1155, 1156, 1157, 1158, 1159, 1166, 1167, 1168, 1170, 1172, 1173, 1176, 1179, 1189, 1190, 1191, 1193, 1195, 1196, 1258, 1260, 1261, 1265, 1361, 1495, 1496, 1504, 1514, 1515, 1518, 1519, 1593, 1607, 1611, 1624, 1626, 1655, 1692, 1697, 1711, 1712, 1713, 1714, 1715, 1716, 1743,
(continued)	

¹ SCO's original privilege logs, provided to IBM in November and December of 2004, contain 19,207 entries. The privilege log SCO filed with the Court on March 10, 2005, however, contains only 2,998 entries. IBM has requested that SCO account for the 16,209 documents that it removed from its privilege log. This morning, counsel for IBM had a brief telephone conference with SCO about this discrepancy, but we do not fully understand what documents have been removed from the log and why. IBM therefore reserves the right to make further objections and to compel production of the missing documents.

In addition, entries 2546 to 2998 on SCO's privilege log (bates numbers SCOR0005569 to SCOR0007192) refer to documents that purportedly have been redacted by SCO. However, to date, SCO has not produced these redacted documents to IBM. Because IBM has not had an opportunity to review these 1,623 documents, IBM reserves the right to make additional objections to these documents.

² SCO provided a "List of Attorneys in SCO's Privilege Log" together with its March 10, 2005 privilege log. None of the attorneys from SCO's list appears in the entries listed in this section.

	1755, 1773, 1774, 1781, 1782, 1783, 1804, 1894, 1902, 1917, 1951, 2002, 2003, 2059, 2065, 2066, 2070, 2079, 2132, 2177, 2179, 2180, 2195, 2211, 2212, 2213, 2214, 2215, 2218, 2221, 2223, 2224, 2229, 2232, 2241, 2246, 2247, 2256, 2262, 2265, 2271, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2288, 2289, 2297, 2302, 2312, 2315, 2317, 2325, 2327, 2335, 2338, 2339, 2340, 2343, 2350, 2359, 2366, 2368, 2370, 2373, 2382, 2392, 2393, 2394, 2395, 2396, 2402, 2403, 2404, 2405, 2435, 2446, 2448, 2449, 2458, 2459, 2461, 2462, 2464, 2466, 2468, 2473, 2475, 2480, 2482, 2483, 2484, 2485, 2490, 2506, 2507, 2548, 2762, 2779, 2851, 2903, 2929, 2958, 2959, 2960
SCO Claims "Attorney Edit of Document", But No Attorney is Identified	327, 479, 935, 1134, 1259, 1262, 1494, 1628, 1810, 1875, 1876, 1877, 1878, 2225, 2255, 2257, 2284, 2286, 2287, 2291, 2300, 2301, 2310, 2311, 2341, 2342, 2346, 2347, 2372, 2375, 2397, 2425, 2432, 2433, 2436, 2439, 2481, 2487, 2491, 2500, 2501, 2502, 2503, 2504, 2505, 2508, 2509, 2524, 2527, 2845, 2852, 2853, 2854, 2855, 2860, 2915, 2916, 2928, 2933, 2934, 2945, 2964, 2965, 2980, 2981, 2983, 2989
SCO Claims "Attorney Legal Advice", But No Attorney is Identified	7, 9, 11, 13, 14, 17, 18, 19, 20, 21, 25, 26, 29, 46, 48, 50, 52, 53, 54, 55, 56, 57, 58, 60, 63, 73, 74, 76, 77, 78, 80, 81, 90, 95, 96, 99, 102, 103, 104, 105, 106, 107, 112, 113, 114, 115, 116, 216, 230, 237, 329, 334, 335, 469, 473, 489, 499, 513, 517, 525, 533, 558, 574, 576, 586, 601, 604, 605, 606, 614, 616, 624, 630, 637, 647, 650, 652, 653, 654, 658, 761, 794, 805, 823, 876, 879, 907, 910, 946, 950, 954, 962, 981, 1177, 1178, 1181, 1223, 1230, 1276, 1287, 1293, 1324, 1354, 1364, 1365, 1368, 1383, 1388, 1391, 1392, 1393, 1401, 1402, 1404, 1406, 1407, 1408, 1410, 1415, 1427, 1431, 1443, 1448, 1451, 1452, 1468, 1480, 1499, 1500, 1509, 1510, 1512, 1521, 1522, 1531, 1532, 1534, 1552, 1564, 1565, 1567, 1569, 1570, 1571, 1588, 1589, 1599, 1608, 1610, 1665, 1733, 1734, 1744, 1748, 1752, 1761, 1775, 1776, 1780, 1786, 1789, 1790, 1799, 1800, 1808, 1812, 1819, 1824, 1827, 1830, 1874, 1897, 1898, 1907, 1908, 1924, 1925, 1941, 1945, 1975, 1976, 2067, 2073, 2085, 2086, 2119, 2121, 2122, 2134, 2167, 2176, 2190, 2194, 2196, 2205, 2216, 2222, 2227, 2231, 2234, 2235, 2236, 2237, 2243, 2253, 2282, 2290, 2330, 2331, 2332, 2351, 2352, 2355, 2377, 2378, 2379, 2380, 2381, 2383, 2384, 2385, 2386,
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	2387, 2390, 2398, 2406, 2416, 2417, 2419, 2426, 2427, 2430, 2438, 2442, 2443, 2444, 2445, 2454, 2456, 2457, 2463, 2471, 2546, 2547, 2549, 2552, 2557, 2561, 2563, 2564, 2565, 2566, 2567, 2568, 2569, 2570, 2571, 2572, 2626, 2628, 2629, 2653, 2656, 2657, 2658, 2710, 2715, 2730, 2738, 2773, 2778, 2788, 2797, 2820, 2830, 2862, 2866, 2886, 2887, 2888, 2890, 2896, 2910, 2914, 2942, 2943, 2951, 2957, 2967, 2969, 2970, 2976, 2977, 2978, 2979, 2982, 2987, 2990
SCO Claims "Attorney Request for Information", But No Attorney is Identified	23, 33, 39, 118, 387, 388, 553, 623, 768, 916, 970, 1070, 1270, 1274, 1299, 1300, 1568, 1737, 1787, 2228, 2401, 2706, 2731
SCO Claims "Discussion Reflecting Legal Advice", But No Attorney is Identified	1, 70, 100, 101, 121, 129, 130, 132, 137, 139, 140, 150, 151, 154, 157, 179, 221, 283, 285, 289, 290, 296, 308, 362, 380, 381, 382, 383, 385, 386, 408, 409, 412, 413, 425, 431, 433, 470, 500, 501, 502, 503, 504, 505, 511, 515, 516, 518, 519, 520, 521, 522, 523, 524, 526, 527, 560, 636, 649, 661, 662, 663, 664, 665, 668, 669, 677, 678, 679, 680, 689, 691, 697, 698, 699, 712, 730, 760, 810, 817, 853, 864, 865, 867, 869, 886, 887, 892, 896, 898, 899, 928, 929, 933, 936, 938, 939, 948, 977, 984, 987, 988, 1187, 1220, 1277, 1278, 1279, 1280, 1289, 1290, 1291, 1292, 1294, 1314, 1327, 1329, 1330, 1331, 1336, 1352, 1353, 1355, 1356, 1369, 1379, 1382, 1384, 1386, 1387, 1394, 1395, 1400, 1413, 1416, 1449, 1454, 1457, 1459, 1461, 1466, 1474, 1483, 1488, 1489, 1490, 1493, 1497, 1502, 1503, 1505, 1508, 1517, 1526, 1528, 1529, 1533, 1535, 1536, 1556, 1557, 1583, 1644, 1645, 1753, 1764, 1879, 1881, 1936, 1949, 1967, 1990, 1992, 1995, 2072, 2074, 2075, 2092, 2093, 2219, 2226, 2233, 2238, 2248, 2251, 2260, 2274, 2283, 2299, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2313, 2318, 2319, 2320, 2323, 2363, 2369, 2371, 2418, 2420, 2422, 2424, 2428, 2474, 2550, 2573, 2575, 2582, 2583, 2602, 2604, 2605, 2606, 2617, 2619, 2639, 2718, 2719, 2739, 2741, 2768, 2769, 2770, 2771, 2774, 2775, 2777, 2791, 2792, 2793, 2794, 2795, 2815, 2821, 2833, 2842, 2878, 2966, 2984, 2985, 2995
SCO Claims "Information Provided to Attorney to Solicit Legal Advice", But No Attorney is Identified (continued)	27, 30, 38, 44, 126, 192, 193, 275, 278, 279, 280, 291, 307, 309, 416, 421, 422, 461, 477, 480, 514, 572, 646, 651, 783, 784, 785, 799, 812, 813, 848, 890, 893, 894, 900, 902, 903, 914, 924, 937, 978, 1141, 1175, 1235,

	1281, 1282, 1283, 1284, 1285, 1286, 1288, 1315, 1322, 1323, 1335, 1338, 1350, 1359, 1376, 1378, 1381, 1398, 1411, 1467, 1473, 1527, 1546, 1548, 1550, 1561, 1562, 1603, 1617, 1630, 1632, 1635, 1637, 1639, 1641, 1647, 1662, 1725, 1740, 1788, 1796, 1798, 1965, 2001, 2264, 2266, 2267, 2296, 2316, 2333, 2334, 2421, 2540, 2623, 2638, 2714, 2725, 2732, 2737, 2819, 2879, 2894, 2911, 2994
SCO Claims "Request for Legal Advice", But No Attorney is Identified	4, 22, 24, 31, 45, 51, 61, 108, 110, 122, 142, 159, 167, 212, 215, 217, 222, 227, 267, 271, 339, 359, 378, 389, 391, 394, 414, 417, 426, 452, 509, 510, 512, 775, 776, 779, 780, 793, 795, 796, 797, 807, 811, 819, 821, 833, 837, 838, 840, 843, 846, 849, 850, 870, 875, 901, 906, 909, 975, 979, 996, 1256, 1271, 1272, 1273, 1328, 1332, 1333, 1334, 1357, 1358, 1360, 1371, 1372, 1377, 1380, 1390, 1397, 1409, 1417, 1418, 1424, 1426, 1442, 1453, 1462, 1464, 1481, 1482, 1484, 1492, 1543, 1544, 1559, 1560, 1566, 1602, 1631, 1656, 1657, 1660, 1661, 1736, 1739, 1750, 1751, 1777, 1785, 1809, 1821, 1823, 1825, 1826, 1828, 1829, 1832, 1927, 1943, 1944, 1948, 2019, 2037, 2039, 2053, 2172, 2174, 2202, 2230, 2240, 2292, 2293, 2294, 2295, 2314, 2326, 2360, 2376, 2408, 2411, 2412, 2414, 2423, 2455, 2499, 2511, 2512, 2533, 2541, 2543, 2551, 2553, 2554, 2555, 2556, 2558, 2559, 2560, 2562, 2578, 2586, 2587, 2607, 2634, 2635, 2636, 2637, 2713, 2721, 2726, 2776, 2780, 2781, 2782, 2783, 2784, 2799, 2800, 2801, 2805, 2809, 2810, 2811, 2818, 2834, 2837, 2840, 2841, 2877, 2885, 2898, 2901, 2907, 2909, 2932, 2971, 2974, 2992
SCO Claims "Response to Attorney Request", But No Attorney is Identified	28, 32, 34, 37, 40, 41, 87, 119, 338, 427, 428, 430, 808, 874, 891, 941, 942, 955, 1192, 1301, 1302, 1303, 1304, 1305, 1306, 1307, 1308, 1309, 1311, 1553, 1663, 1890, 1946, 1947, 1986, 2239, 2273, 2415, 2460, 2495, 2908, 2950
SCO Claims "Work Product Protection", But No Attorney is Identified (continued)	49, 62, 64, 65, 66, 94, 238, 239, 240, 241, 242, 243, 244, 250, 251, 252, 253, 254, 255, 256, 390, 392, 393, 395, 397, 398, 399, 400, 401, 402, 405, 406, 407, 411, 424, 429, 434, 435, 451, 462, 472, 787, 806, 814, 854, 873, 880, 881, 882, 908, 919, 922, 945, 953, 956, 958, 959, 960, 961, 980, 985, 992, 1197, 1200, 1211, 1216, 1217, 1222, 1238, 1240, 1241, 1242, 1243, 1245, 1246,

	1247, 1248, 1249, 1251, 1295, 1296, 1310, 1312, 1316, 1318, 1319, 1320, 1554, 1555, 1594, 1648, 1673, 1726, 1727, 1728, 1729, 1732, 1815, 2217, 2329, 2620, 2621, 2622, 2624, 2630, 2631, 2632, 2633, 2708, 2709, 2722, 2723, 2724, 2727, 2728, 2733, 2734, 2735, 2736, 2764
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II. SCO IMPROPERLY CLAIMS PRIVILEGE OVER DOCUMENTS THAT ORIGINATED WITH THE THIRD PARTIES THAT PREVIOUSLY OWNED THE UNIX ASSETS; BECAUSE THESE DOCUMENTS ARE NOW IN SCO'S POSSESSION, ANY PRIVILEGE HAS BEEN WAIVED.

OBJECTION SUB-CATEGORIES	SCO PRIVILEGE LOG ENTRY NUMBERS
SCO Claims Privilege Over Documents that Originated with AT&T	556, 557, 558, 559, 1610, 1830, 2880, 2913, 2944
SCO Claims Privilege Over Documents that Originated with Unix System Laboratories ("USL")	1758, 2067, 2068, 2069, 2314, 2904, 2910, 2988, 2993
SCO Claims Privilege Over Documents that Originated with Novell, Inc. ("Novell")	543, 544, 545, 594, 595, 596, 597, 610, 611, 612, 613, 620, 621, 639, 640, 672, 673, 674, 675, 682, 688, 689, 690, 696, 721, 752, 753, 754, 755, 1580, 1581, 1755, 1772, 1774, 1790, 1791, 1792, 1801, 1835, 1874, 1891, 1892, 1893, 1899, 1905, 1906, 1914, 1915, 1916, 1918, 1920, 1921, 1922, 1923, 2092, 2093, 2099, 2116, 2201, 2241, 2337, 2338, 2397, 2445, 2454, 2513, 2514, 2516, 2517, 2518, 2519, 2520, 2521, 2522, 2541, 2542, 2543, 2544, 2545, 2548, 2653, 2654, 2655, 2674, 2675, 2679, 2686, 2688, 2689, 2690, 2691, 2692, 2700, 2701, 2889, 2899, 2995
SCO Claims Privilege Over Documents that Originated with The Santa Cruz Operation, Inc. ("Santa Cruz")	1, 2, 3, 4, 5, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 511, 512, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 538, 540, 541, 542, 560, 561, 563, 564, 565, 566, 567, 568, 570, 571, 572, 573, 574, 582, 587, 588, 590, 593, 606, 607, 608, 609, 614, 616, 617, 618, 619, 624, 631,
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(continued)	635, 638, 666, 670, 700, 704, 705, 706, 713, 714, 715, 725, 729, 731, 733, 735, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 764, 766, 767, 769, 770, 771, 772, 924, 1270, 1271, 1272, 1273, 1274, 1275, 1276, 1277, 1278, 1279, 1280, 1281, 1322, 1324, 1325, 1327, 1328, 1331, 1332, 1333, 1334, 1336, 1337, 1338, 1339, 1340, 1341, 1342, 1343, 1344, 1345, 1346, 1347, 1348, 1349, 1350, 1351, 1352, 1353, 1354, 1355, 1356, 1358, 1362, 1363, 1364, 1365, 1366, 1367, 1368, 1369, 1370, 1371, 1372, 1373, 1374, 1375, 1376, 1377, 1378, 1379, 1380, 1381, 1382, 1383, 1384, 1385, 1386, 1387, 1388, 1389, 1390, 1391, 1392, 1393, 1394, 1395, 1396, 1397, 1399, 1400, 1401, 1402, 1403, 1404, 1405, 1406, 1407, 1408, 1409, 1410, 1411, 1412, 1413, 1414, 1415, 1416, 1417, 1418, 1419, 1420, 1421, 1422, 1423, 1424, 1425, 1426, 1427, 1428, 1429, 1430, 1431, 1432, 1433, 1434, 1435, 1436, 1437, 1438, 1439, 1440, 1441, 1442, 1443, 1444, 1445, 1446, 1447, 1448, 1449, 1450, 1451, 1452, 1453, 1454, 1455, 1456, 1457, 1458, 1459, 1460, 1461, 1463, 1464, 1465, 1466, 1467, 1468, 1469, 1470, 1471, 1472, 1473, 1474, 1475, 1476, 1477, 1478, 1479, 1480, 1481, 1482, 1483, 1484, 1485, 1486, 1487, 1488, 1489, 1490, 1497, 1498, 1499, 1501, 1506, 1507, 1508, 1511, 1513, 1517, 1518, 1520, 1523, 1524, 1526, 1527, 1529, 1530, 1536, 1537, 1538, 1539, 1540, 1541, 1542, 1543, 1544, 1545, 1546, 1547, 1548, 1549, 1550, 1551, 1552, 1556, 1558, 1559, 1560, 1561, 1562, 1563, 1564, 1565, 1566, 1567, 1568, 1569, 1571, 1572, 1573, 1574, 1576, 1577, 1578, 1579, 1582, 1584, 1585, 1586, 1587, 1589, 1590, 1591, 1596, 1597, 1598, 1599, 1600, 1601, 1602, 1736, 1737, 1738, 1739, 1740, 1741, 1742, 1747, 1748, 1749, 1751, 1753, 1754, 1757, 1759, 1762, 1764, 1765, 1766, 1767, 1768, 1769, 1780, 1784, 1785, 1786, 1787, 1796, 1797, 1798, 1799, 1800, 1802, 1806, 1807, 1809, 1810, 1811, 1812, 1813, 1814, 1815, 1816, 1817, 1818, 1819, 1820, 1821, 1822, 1823, 1824, 1825, 1826, 1827, 1828, 1829, 1832, 1833, 1834, 1836, 1837, 1838, 1839, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860,
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	2825, 2826, 2827, 2828, 2829, 2830, 2831, 2832, 2833, 2834, 2835, 2836, 2837, 2838, 2839, 2840, 2841, 2843, 2844, 2846, 2847, 2848, 2849, 2850, 2852, 2853, 2854, 2855, 2856, 2857, 2858, 2859, 2860, 2861, 2862, 2863, 2864, 2865, 2877, 2878, 2881, 2882, 2883, 2884, 2886, 2887, 2888, 2890, 2891, 2893, 2894, 2895, 2897, 2912, 2916, 2917, 2918, 2924, 2926, 2927, 2928, 2930, 2931, 2932, 2935, 2936, 2937, 2938, 2939, 2941, 2942, 2943, 2948, 2952, 2954, 2955, 2956, 2957, 2958, 2959, 2960, 2961, 2962, 2963, 2966, 2967, 2968, 2969, 2970, 2971, 2972, 2973, 2974, 2975, 2976, 2977, 2978, 2979, 2980, 2981, 2982, 2984, 2985, 2986, 2987, 2989, 2991, 2996
SCO Claims Privilege Over Documents that Originated with AT&T, USL, Novell, or Santa Cruz ³	8, 9, 10, 11, 12, 13, 14, 535, 539, 547, 548, 549, 552, 553, 554, 555, 575, 576, 577, 578, 579, 580, 581, 583, 584, 591, 592, 598, 599, 600, 622, 636, 637, 641, 642, 644, 645, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 676, 681, 683, 684, 685, 686, 687, 691, 692, 693, 694, 695, 701, 702, 709, 710, 711, 717, 718, 719, 720, 722, 723, 724, 726, 734, 756, 757, 758, 759, 765, 1514, 1515, 1575, 1594, 1595, 1605, 1606, 1607, 1608, 1609, 1610, 1743, 1744, 1745, 1746, 1750, 1756, 1757, 1760, 1761, 1763, 1775, 1776, 1777, 1793, 1794, 1795, 1803, 1805, 1831, 1840, 1861, 1862, 1871, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1894, 1896, 1898, 1900, 1901, 1902, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1917, 1919, 1924, 1925, 1940, 1941, 1964, 1966, 1968, 1991, 1994, 1996, 2000, 2007, 2008, 2009, 2010, 2064, 2065, 2066, 2068, 2079, 2087, 2094, 2095, 2096, 2097, 2098, 2100, 2101, 2102, 2103, 2104, 2105, 2106, 2107, 2108, 2109, 2110, 2111, 2112, 2114, 2115, 2117, 2118, 2119, 2120, 2121, 2122, 2123, 2124, 2125, 2126, 2127, 2128, 2129, 2130, 2131, 2133, 2134, 2135, 2136, 2137, 2138, 2139, 2140, 2141, 2142, 2143, 2144, 2145, 2146, 2147, 2148, 2149, 2150, 2151, 2152, 2153, 2154, 2155, 2156, 2157, 2158, 2159, 2160, 2161, 2162, 2163,
(continued)	

³ SCO's privilege log fails to identify the business entity with whom the listed documents originated. In this section, IBM has identified documents that, according to the log, can only have originated with either AT&T, USL, Novell, or Santa Cruz.

	2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2200, 2203, 2204, 2207, 2208, 2216, 2222, 2223, 2224, 2225, 2228, 2230, 2231, 2232, 2233, 2234, 2235, 2240, 2253, 2266, 2267, 2268, 2269, 2274, 2313, 2314, 2328, 2396, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2438, 2439, 2440, 2441, 2447, 2449, 2455, 2456, 2457, 2460, 2461, 2463, 2496, 2497, 2510, 2515, 2523, 2524, 2534, 2537, 2538, 2539, 2540, 2667, 2668, 2669, 2670, 2671, 2672, 2678, 2687, 2693, 2694, 2695, 2696, 2702, 2898, 2902, 2903, 2905, 2906, 2907, 2908, 2911, 2914, 2940, 2945, 2946, 2947, 2949, 2950, 2951, 2953, 2983, 2990, 2994, 2997, 2998
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III. SCO IMPROPERLY CLAIMS PRIVILEGE OVER DOCUMENTS DISCLOSED TO OR CREATED BY THIRD PARTIES.

OBJECTION SUB-CATEGORIES	SCO PRIVILEGE LOG ENTRY NUMBERS
SCO Claims Privilege Over Communications with Investment Advisor S2 Consulting	16, 420, 423, 429, 456, 1206, 1211, 1238, 1673, 2624, 2867
SCO Claims Privilege Over Communications with Investment Advisor Kimble Jenkins of Morgan Keegan	330, 331, 333, 453, 459, 461, 465, 1198, 1201, 1203, 1204, 1208, 1209, 1210, 1214, 1221, 1317, 1326, 1615, 1619, 1621, 1623, 1625, 1627, 1629, 1633, 1638, 1640, 1646, 1663, 2765
SCO Claims Privilege Over Communications with Investment Advisor Whitney Company	408
SCO Claims Privilege Over Communications with Menzies Chartered Accountants	58, 59, 63, 64

SCO Claims Privilege Over Communications with Schwartz PR	425
SCO Claims Privilege Over Communications with AT&T	890, 1607
SCO Claims Privilege Over Communications with Silicon Graphics, Inc.	1672
SCO Claims Privilege Over Communications with Santa Cruz	659, 1786, 1820, 2408, 2469, 2470, 2488, 2489, 2532, 2533, 2682
SCO Claims Privilege Over Communications with Thomas Kroeger	2928, 2929
SCO Claims Privilege Over Communications with Cendant Corporation	141
SCO Claims Privilege Over Communications with "jetsonsystems.com"	1178, 1268
SCO Claims Privilege Over Communications with Tarantella	1513
SCO Claims Privilege Over Communications with IBM Employee Haig McNamee	1361
SCO Claims Privilege Over Communications Between Santa Cruz and the United States Patent and Trademark Office	2704
SCO Claims Privilege Over Communications Between Santa Cruz and Dell	2589
SCO Claims Privilege Over Communications Between Santa Cruz and IBM	2798, 2859, 2860
SCO Claims Privilege Over Communications Between Santa Cruz and Caldera	2886
SCO Claims Privilege Over Communications Between Santa Cruz and PeopleSoft	2915

SCO Claims Privilege Over Communications Between Santa Cruz and Novell	1994, 2087, 2660, 2940, 2946
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IV. SCO'S LOG CONTAINS NUMEROUS ENTRIES THAT LACK BASIC INFORMATION NECESSARY FOR IBM AND THE COURT TO ASSESS THE VALIDITY OF THE ASSERTED PRIVILEGES.

OBJECTION SUB-CATEGORIES	SCO PRIVILEGE LOG ENTRY NUMBERS
The Following Privilege Log Entries Contain Email Addresses Not Included in SCO's Email Directory ⁴	516, 1335, 1336, 1382, 1383, 1462, 1528, 1529, 1562, 1733, 1734, 1846, 1981, 1982, 1990, 1992, 1995, 2226, 2292, 2294, 2384, 2387, 2389, 2412, 2413, 2426, 2432, 2433, 2492, 2493, 2494, 2777, 2799, 2803, 2804, 2924, 2925, 2926, 2927, 2929
The Following Privilege Log Entries Lack Information Regarding Author, Recipient, CC(s), and Business Entity ⁵	6, 396, 428, 903, 941, 1493, 1494, 1496, 1497, 1502, 1504, 1509, 1512, 1514, 1515, 1522, 1583, 1781, 1782, 1783, 1879, 1897, 1931, 1932, 1933, 1934, 1935, 1936, 1957, 1958, 1960, 1962, 1963, 1975, 1976, 2001, 2002, 2003, 2079, 2179, 2180, 2211, 2212, 2213, 2214, 2215, 2218, 2220, 2221, 2227, 2229, 2236, 2237, 2238, 2241, 2247, 2256, 2257, 2265, 2266, 2284, 2286, 2289, 2290, 2297, 2305, 2312, 2317, 2325, 2327, 2330, 2343, 2353, 2355, 2359, 2372, 2373, 2375, 2378, 2379, 2381, 2382, 2390, 2391, 2398, 2406, 2418, 2424, 2427, 2428, 2454, 2456, 2457, 2462, 2464, 2473, 2483, 2484, 2485, 2487, 2500, 2501, 2502, 2503, 2504, 2507, 2512, 2527, 2547, 2910, 2964, 2965, 2982
The Following Privilege Log Entries Lack Information Regarding Date	833, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 911, 912, 1072, 1073, 1088, 1141, 1861

⁴ SCO's Email Directory is found in Exhibit 2, to SCO's Privilege Log.

⁵ Because SCO is improperly claiming privilege over documents involving several different companies, SCO's privilege log entries should have identified, at a minimum, the name of the company, or "Business Entity", from which the document originated.

The Following Privilege Log Entries Lack Information Regarding Date, Author, Recipient, and CC(s)	122, 159, 162, 192, 193, 237, 307, 426, 427, 475, 499, 783, 784, 785, 966, 1193, 1505, 1624, 1626, 1628, 1632, 1641, 2302, 2472, 2980
The Following Privilege Log Entries Lack Information Regarding Date, Author, Recipient, CC(s), and Business Entity	99, 119, 196, 310, 312, 313, 421, 481, 534, 562, 585, 604, 605, 623, 629, 643, 646, 773, 782, 832, 878, 894, 913, 949, 952, 995, 1167, 1168, 1170, 1172, 1176, 1190, 1191, 1260, 1261, 1592, 1603, 1604, 1644, 1647, 1692, 1711, 1712, 1713, 1714, 1715, 1716, 1835, 2132, 2301, 2315, 2347, 2370, 2416, 2425, 2437, 2443, 2446, 2448, 2451, 2452, 2453, 2471, 2476, 2477, 2479, 2656, 2668, 2696, 2763, 2772, 2947
The Following Privilege Log Entries Lack Information Regarding Date and Business Entity	834, 835, 836, 1492, 1510, 1850, 1855, 1860, 1871, 1964, 2059, 2900, 2931
The Following Privilege Log Entries Lack Information Regarding Date, Recipient, CC(s), and Business Entity	154, 157, 175, 955, 1516, 1525
The Following Privilege Log Entries Lack Information Regarding Business Entity	8, 532, 533, 552, 555, 578, 620, 661, 662, 663, 664, 665, 667, 668, 669, 677, 678, 679, 680, 685, 686, 692, 693, 695, 697, 698, 699, 730, 752, 758, 759, 761, 768, 799, 1359, 1361, 1557, 1575, 1607, 1745, 1749, 1756, 1761, 1772, 1776, 1777, 1831, 1881, 1927, 1941, 1948, 1949, 2065, 2066, 2103, 2147, 2190, 2191, 2199, 2202, 2225, 2226, 2255, 2267, 2268, 2269, 2306, 2329, 2338, 2407, 2432, 2433, 2442, 2455, 2482, 2493, 2494, 2508, 2510, 2541, 2657, 2658, 2680, 2693, 2879, 2898, 2929
The Following Privilege Log Entries Lack Information Regarding Recipient	2222, 2911, 2942
The Following Privilege Log Entry Lacks Information Regarding Date, Author, CC(s), and Business Entity	2478

DATED this 11th day of April, 2005.

SNELL & WILMER L.L.P.



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CERTIFICATE OF SERVICE

I hereby certify that on the 11th day of April, 2005, a true and correct copy of the foregoing was served on the following by U.S. Mail, postage prepaid:

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